

REMARKS

Claims 1-20 were pending in this application.

Claims 1-20 have been rejected.

Claims 1, 7, and 14 have been amended as shown above.

Claims 1-20 remain pending in this application.

Reconsideration of the claims is respectfully requested. The Applicant makes these amendments and offers the following arguments to place this application in condition for allowance.

Alternatively, the Applicant makes these amendments and offers these arguments to properly frame the issues for appeal.

I. CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,569,837 to *Krishna, et al.* (hereinafter “Krishna”). These rejections are respectfully traversed.

In ex parte examination of patent applications, the Patent Office bears the burden of establishing a prima facie case of obviousness. MPEP § 2142, p. 2100-133 (8th ed. rev. 4, October 2005). Absent such a prima facie case, the Applicant is under no obligation to produce evidence of nonobviousness. *Id.* To establish a prima facie case of obviousness, three basic criteria must be met:

Id. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.*

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. *Id.*

Claim 1 has been amended to include the elements of "wherein the input and output scheduler schedule the at least one incoming data packet and one incoming fixed data packet once per timeslot." This element is fully supported by the specification, as filed, including in elements 430 and 435 of Figure 4. As discussed by with the Examiner, additional elements from Figure 4, including element 415 have also been incorporated into the independent claims. It is respectfully submitted that none of the prior art teaches, suggests, or anticipates the pending independent claims.

Accordingly, the Applicant respectfully requests that the § 103 rejection with respect to these claims be withdrawn.

CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully request an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees (including any extension of time fees) connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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